

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: ETHICON, INC. PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION	Master File No. 2:12-MD-02327 MDL No. 2327
THIS DOCUMENT RELATES TO:	
WAVE 1 CASES ON ATTACHED EXHIBIT A	JOSEPH R. GOODWIN U.S. DISTRICT JUDGE

**PLAINTIFFS' *DAUBERT* MOTION TO EXCLUDE OR, IN THE ALTERNATIVE,
TO LIMIT THE OPINIONS AND TESTIMONY OF STEPHEN M. FACTOR, M.D.**

COMES NOW Plaintiffs in actions listed on attached Exhibit A, by and through the undersigned attorneys, and files this Plaintiffs' *Daubert* Motion to Exclude or, In The Alternative, To Limit The Opinions And Testimony Of Stephen M. Factor, M.D. and would respectfully show the Court that Dr. Factor should be excluded for the following reasons:

1. Dr. Factor is not qualified to offer general opinions on the Prolene and Prolene Soft mesh products, including opinions related to the design these products, the physical properties of these products, including opinions related to pore size, bridging fibrosis, scar platting, inflammation, degradation and shrinkage nor opinions concerning or relating to the biocompatibility of these mesh products in general and Dr. Factor's opinions in this regard are unreliable and untrustworthy and should be excluded.
2. In support of this motion, Plaintiffs have submitted a memorandum of law and also rely upon the following attached exhibits:
 1. A true copy of Dr. Factor's expert report is attached hereto as Exhibit B.

2. A true copy of the Deposition of Dr. Stephen M. Factor dated November 27, 2012, defendants' pathology expert, is attached hereto as Exhibit C.

3. A true copy of the Deposition of Dr. Stephen M. Factor dated March 5, 2014, is attached hereto as Exhibit D.

4. A true copy of *Wagner v. Hesston Corp.*, 2005 WL 1540135 (D. Minn. June 30, 2005) is attached hereto as Exhibit E.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully request that the Court grant their *Daubert* Motion to Exclude or, In The Alternative, To Limit The Opinions And Testimony Of Stephen M. Factor, M.D. Additionally, Plaintiffs request all other and further relief to which they may be justly entitled.

Dated: April 21, 2016

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I filed the foregoing document on April 21, 2016, using the Court's CM-ECF filing system, thereby sending notice of the filing to all counsel of record in this matter.

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